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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of  
Administration of the  
North American Numbering Plan

CC Docket No. 92-237

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APPLICATION OF THE  
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS  
FOR MEMBERSHIP ON THE  
NORTH AMERICAN NUMBERING COUNCIL

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September 14, 1995

No. of Docket rec'd

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Pursuant to Sections 1.1 and 1.41 of the Federal Communications Commission's ("FCC" or "Commission") Rules of Practice and Procedure, 47 C.F.R. §§ 1.1 and 1.41 (1994), the National Association of Regulatory Utility Commissioners ("NARUC") respectfully submits this request for membership on the North American Numbering Council ("NANC" or "Council") in conformance with the FCC's Public Notice DA 95-1721 released August 9, 1995 and noticed at 60 Federal Register 42158 (August 15, 1995).

In support of this request, NARUC states as follows:

**I. Description of NARUC's Interests and Representational Role**

- A. NARUC has long been recognized by Congress, the Courts, and the FCC as the proper party to represent the collective interests of the State regulatory commissions.**

NARUC is a quasi-governmental nonprofit organization founded in 1889. Members include those governmental bodies responsible for regulating carriers and utilities in all fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands.

NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. Specifically, NARUC is composed of, inter alia, State and territorial officials charged with regulating telecommunications common carriers within their respective borders. These officials have the obligation to assure that communications services and facilities required by the public convenience and necessity are established, and that service is furnished at just and reasonable rates.

NARUC's responsibilities are nationwide and involve a broad spectrum of regulatory problems and responsibilities unique to it as an organization. In statutory language of the Congress, NARUC is "the national organization of the State commissions" responsible for economic and safety regulation of the intrastate operation of carriers and utilities. Indeed, NARUC is the organization designated by Congress to nominate State Commission representatives to the FCC Federal State Joint Boards and Conferences. Moreover, Federal courts have long recognized that the NARUC is a proper party to represent the collective interests of the State regulatory commissions. See, for example, *United States of America v. Southern Motor Carrier Rate Conference, et al.*, 467 F.Supp. 471 (N.D. Ga. 1979), *aff.* 672 F.2d 469 (5th Cir. Unit "B" 1982); *aff. en banc*, 702 F.2d 532 (5th Cir. Unit "B" 1983, *rev'd*, 471 U.S. 48 (1985). See also *Indianapolis Power and Light Co. v. Interstate Commerce Commission*, 587 F.2d 1098 (7th Cir. 1982); *Washington Utilities and Transportation Commission v. FCC*, 513 F.2d 1142 (9th Cir. 1976).

- B. State Public Utility Commissions have a vital and continuing interest in the evolution and administration of the North American Numbering Plan. Because of their unique perspective on numbering issues, inclusion of their representatives on the NANC is necessary to provide the balanced approach the FCC is seeking to foster on the Council.**

As the FCC has acknowledged in several recent orders, States have an obvious and continuing interest in numbering plan issues. Indeed, in the Order that creates the NANC - an order derived from a proceeding instigated by a September 1991 NARUC petition - the FCC acknowledges that States continue to "...have a role and certain interests in the regulation of numbering resources." The same order also recognizes, by way of exception, that "historically" States have played a significant role in "...matters involving NPA exhaust and CO code administration." See, Paragraph 77, of the FCC's July 13, 1995 released and adopted "Report and Order" *In the Matter of Administration of the North American Numbering Plan*, in CC Docket No. 92-237 [FCC 95-283, 60 Federal Register 38737 (July 28, 1995)].

In its July 13, 1995 released "Notice of Proposed Rulemaking", ("NPRM") [FCC Release Number: FCC 95-284, 1995 FCC LEXIS 4653, 60 FR 39136 (August 1, 1995)], adopted July 13, 1995 *In the Matter of Telephone Number Portability*, CC Docket No. 95-116 - RM 8535, the FCC builds on that acknowledgment by recognizing, in paragraph 32, mimeo at 13, "...that state regulators also have legitimate interests in the development of numbering portability" and related issues.

In addition, both the July "Report and Order" and the August Notice seeking nominations specifically contemplate that representatives from every sector of the telecommunications industry, "as well as members representing...the states, and consumers" are needed to assure that "the Council's membership will be impartial and well balanced."

The serious issues surrounding the current North American Numbering Plan's ("NANP") future implementation instigated the underlying NARUC request for a Notice of Inquiry that formed the basis for the FCC's July 1995 order establishing the NANC.

Many aspects of NANP implementation continue to affect NARUC members' ability to adhere to their respective mandates to serve the public interest.

Accordingly, NARUC respectfully suggests that State Commissions have a vital and continuing interest in the evolution and administration of the North American Numbering Plan and that its representation on the NANC is necessary to provide the balanced approach the FCC is seeking to foster.

**II. NARUC Nominations For Council Membership**

**A. NARUC Nominations:**

In accordance with Section 24 of NARUC's "Policy Governing Committees and Representatives" [As Adopted by the 97th NARUC Annual Convention on November 20, 1985 (Convention Proceedings, pages 365-367) and amended November 14, 1990], NARUC's current President, the Honorable Bob Anderson, a Commissioner with the Montana Public Service Commission, nominates the following as NARUC's representatives on the NANC:

The Honorable Julia Johnson, a Commissioner with the Florida Public Service Commission and an active member of NARUC's Communications Committee, and

The Honorable Kenneth McClure, Vice Chairman of the Missouri Public Service Commission and Vice Chair of NARUC's Communications Committee.

**B. Required Contact Information:**

The contact information for these two NARUC Representatives is as follows:

Commissioner Julia Johnson  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850

Vice Chairman Kenneth McClure  
Missouri Public Service  
Post Office Box 360  
Truman State Office Building  
Jefferson City, Missouri 65102

Telephone: (904) 413-6044  
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Telephone (314) 751-4221  
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C. Required Commitment Statement:

Both Commissioners Johnson and McClure agree to actively participate in good faith in the objectives of the Council.

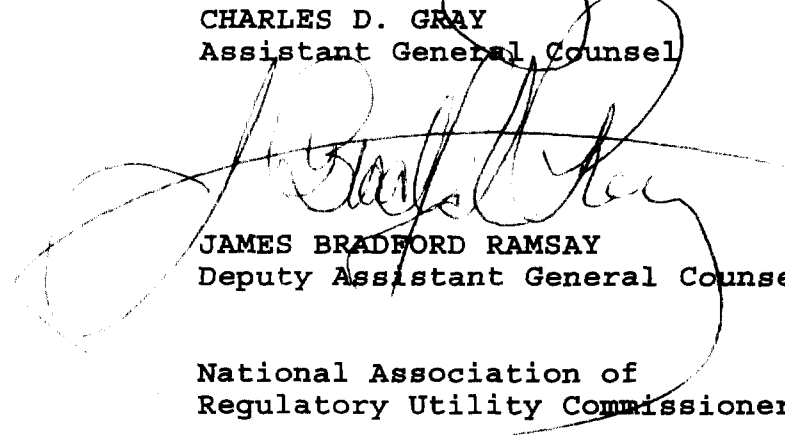
Respectfully Submitted,



PAUL ROGERS  
General Counsel



CHARLES D. GRAY  
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JAMES BRADFORD RAMSAY  
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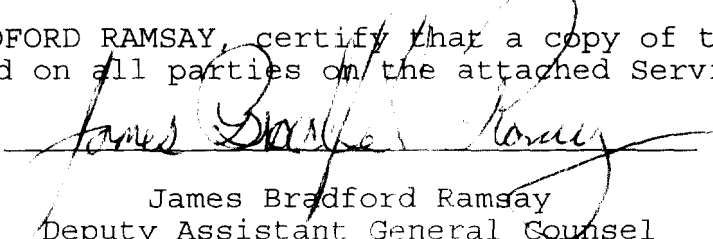
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CERTIFICATE OF SERVICE

I, JAMES BRADFORD RAMSAY, certify that a copy of the foregoing  
was served on all parties on the attached Service List.

  
James Bradford Ramsay  
Deputy Assistant General Counsel

National Association of  
Regulatory Utility Commissioners

September 14, 1995

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